
STATUTORY INSTRUMENTS

2007 No. 1157

The Gambling Act 2005 (Commencement and Transitional Provisions) (Amendment) Order 2007

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Gambling Act 2005 (Commencement and Transitional Provisions) (Amendment) Order 2007 and shall come into force on 29th April 2007.

(2) In this Order, “the Principal Commencement Order” means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006(1).

Amendment of the Gambling Act 2005 (Transitional Provisions) (No. 2) Order 2006

2.—(1) Article 6 of the Gambling Act 2005 (Transitional Provisions) (No. 2) Order 2006(2) is amended as follows.

(2) At the beginning of paragraph (2) insert “Subject to paragraph (2A),”.

(3) After paragraph (2) insert—

“(2A) Paragraph (2) does not apply to the grant or renewal of permits under section 34 of the 1968 Act by the authority mentioned in paragraph 1(d) of Schedule 9 to that Act where the application for grant or renewal relates to premises in respect of which a relevant Scottish licence has effect.”.

(4) After paragraph (4) insert—

“(5) In this article “relevant Scottish licence” means any licence granted under section 9(1) of the Licensing (Scotland) Act 1976(3) (licence for sale by retail or supply of alcoholic liquor) provided it is not an off-sale licence.”.

(5) The amendments made by this article shall not affect the validity of any decision taken by a Scottish council on an application for the grant or renewal of a permit under section 34 of the Gaming Act 1968(4) in respect of the kind of premises described in the amendment, where the decision was taken before the date on which this Order comes into force.

(6) In paragraph (5) above, “Scottish council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(5).

Amendment of article 2 of the Principal Commencement Order

3.—(1) Article 2 of the Principal Commencement Order is amended as follows.

(2) After paragraph (1) insert—

“(1A) Section 182(4) of the 2005 Act shall come into force on 30th April 2007.”

(3) In paragraph (2) for “30th April” substitute “21st May”.

(1) [S.I. 2006/3272](#), amended by [S.I. 2006/3361](#).
(2) [S.I. 2006/1758](#).
(3) [1976 c. 66](#).
(4) [1968 c. 65](#).
(5) [1994 c. 39](#).

(4) After paragraph (3) insert—

“(3A) The provisions of the 2005 Act specified in column 1 of Schedule 3A shall come into force on 1st August 2007, but where a particular purpose is specified in relation to any such provision in column 2 of that Schedule, the provision shall come into force on that date for that purpose only.”.

(5) In paragraph (4) after “2005 Act” insert “, apart from paragraph 17 of Schedule 16,”.

Amendment of Schedule 2 to the Principal Commencement Order

4.—(1) Schedule 2 to the Principal Commencement Order is amended as follows.

(2) In the heading to the Schedule, for “30th April” substitute “21st May”.

(3) In column 1—

(a) leave out the following entries—

(i) “Section 7(5) to (7)”,

(ii) “Section 235 (for all remaining purposes)”, and

(iii) “Section 236”;

(b) after “Section 184” insert “(for all remaining purposes)”;

(c) after the entry relating to section 346(1)(l), (2) and (3) insert the following entry—

“Section 347”;

(d) in the first entry relating to Schedule 10, for “paragraphs 2 to 6” substitute “paragraphs 2 to 5”;

(e) in the second entry relating to Schedule 10, for “paragraphs 12(a)” substitute “paragraphs 6, 12(a)”;

(f) in the first entry relating to Schedule 14, for “paragraphs 3 to 7” substitute “paragraphs 3 to 6”; and

(g) in the second entry relating to Schedule 14, for “paragraphs 2” substitute “paragraphs 2, 7”.

(4) In column 2, in the entry relating to sections 159 to 165, for paragraph (2) of that entry substitute—

“(2) Sections 159 to 165 are also to have effect for the purposes of applications under section 187 (applications to vary a premises licence), section 188 (applications to transfer a premises licence), section 195 (applications for the reinstatement of a premises licence) and section 204 (applications for a provisional statement).”.

Amendment of Schedule 3 to the Principal Commencement Order

5. The Principal Commencement Order is amended by substituting for Schedule 3 the Schedule set out in Schedule 1 to this Order.

Amendment of the Principal Commencement Order to insert a Schedule specifying provisions coming into force on 1st August 2007

6. The Principal Commencement Order is amended by inserting after Schedule 3 the Schedule 3A set out in Schedule 2 to this Order.

Amendment of Part 2 of Schedule 4 to the Principal Commencement Order

7.—(1) Paragraph 2 of Schedule 4 to the Principal Commencement Order (which restricts the circumstances in which applications under the Betting, Gaming and Lotteries Act 1963(6) may be granted) is amended as follows.

- (2) At the beginning of sub-paragraph (2) insert “Subject to sub-paragraph (3),”.
- (3) After sub-paragraph (2) insert—
 - “(3) Sub-paragraph (2)(a) does not apply in relation to any application under Schedule 1 to the 1963 Act for the grant of a bookmaker’s permit where the application is made by the company which is nominated by the Secretary of State for the purposes of section 2 of the Horserace Betting and Olympic Lottery Act 2004(7) in accordance with subsection (2) (a) of that section.”.

Amendment of Part 3 of Schedule 4 to the Principal Commencement Order

8.—(1) Part 3 of Schedule 4 to the Principal Commencement Order (transitional provisions relating to the continuation of certificates and permits issued under the Gaming Act 1968) is amended as follows.

- (2) In paragraph 24(3) leave out “at least two months”.
- (3) In paragraph 27—
 - (a) in sub-paragraph (1)—
 - (i) for paragraph (a) substitute—
 - “(a) the holder of a permit under section 34 of the 1968 Act—
 - (i) granted by the authority mentioned in sub-paragraph (a) or (c) of paragraph 1 of Schedule 9 to the 1968 Act, or
 - (ii) granted by the authority mentioned in sub-paragraph (d) of that paragraph in respect of premises in respect of which a relevant Scottish licence has effect,applies for a licensed premises gaming machine permit;”
 - (ii) in paragraph (c), after “paragraph 24(1) or (2)” insert “, or (as the case may be) paragraph 31(5) or (5A),”;
 - (iii) after paragraph (c) insert—
 - “(cc) the application for the licensed premises gaming machine permit relates to the same or substantially the same premises as those in respect of which the permit under section 34 of the 1968 Act has effect;”;
 - (iv) in paragraph (d), leave out “at least two months”, and after “paragraph 24(1) or (2)” insert “or (as the case may be) paragraph 31(5) or (5A),”;
 - (b) in sub-paragraph (6), for “authorised number” substitute “relevant number”; and
 - (c) after sub-paragraph (6) insert—
 - “(6A) In sub-paragraph (6), the relevant number is the authorised number unless the authorised number is less than two, in which case the relevant number is two.”.
 - (4) In paragraph 29—
 - (a) in sub-paragraph (1) for “1st June” substitute “1st August”;
 - (b) in sub-paragraph (2)(b)—

(6) 1963 c. 2.
(7) 2004 c. 25.

- (i) for “paragraph 24(1)” substitute “paragraph 24(1) or 31(5)”, and
- (ii) for “3 months” substitute “one month”;
- (c) for sub-paragraph (3) substitute—
 - “(3) Paragraph (d) of paragraph 27(1) is to have effect as if it required the application for the licensed premises gaming machine permit to be made on or before the date which is one month after the date on which the provisions referred to in paragraph (1) come into force.”; and
- (d) in sub-paragraph (4)—
 - (i) for “paragraph 24(1)”, in each place where it occurs, substitute “paragraph 24(1) or 31(5)”, and
 - (ii) for “paragraph (3)(a)”, in each place where it occurs, substitute “paragraph (3)”.
- (5) In paragraph 31—
 - (a) after sub-paragraph (5) insert—
 - “(5A) Where in a case falling within sub-paragraph (5)(a)—
 - (a) the permit has effect immediately before 1st September 2007 by virtue of paragraph 19 of Schedule 9 to the 1968 Act; and
 - (b) the application under that Schedule for the renewal of the permit is granted on or after that date,
 the permit is to have effect until 31st July 2009.”; and
 - (b) in sub-paragraph (6), for “Sub-paragraph (5) is” substitute “Sub-paragraphs (5) and (5A) are”.
- (6) In paragraph 33(8), for “paragraph 31(5)” substitute “paragraphs 31(5) and (5A)”.

Amendment of Part 4 of Schedule 4 to the Principal Commencement Order

9. Paragraph 36(2) of Schedule 4 to the Principal Commencement Order (which makes provision about premises licences issued before 1st September 2007) is amended by inserting after “2007” the words “and which take effect on the date of issue”.

Amendment of Part 5 of Schedule 4 to the Principal Commencement Order

10.—(1) Paragraph 39 of Schedule 4 to the Principal Commencement Order (which defines “existing operator” for the purposes of Part 5 of that Schedule) is amended as follows.

- (2) At the beginning of sub-paragraph (7) insert “Subject to sub-paragraph (7A)”.
- (3) After sub-paragraph (7) insert—
 - “(7A) The Horserace Totalisator Board is an existing operator in relation to any advance application the Board makes for a remote or non-remote general betting operating licence.”.

Amendment of Part 7 of Schedule 4 to the Principal Commencement Order

11.—(1) Part 7 of Schedule 4 to the Principal Commencement Order (transitional provisions relating to the conversion of licences etc. issued under enactments to be repealed into premises licences under the Gambling Act 2005) is amended as follows.

- (2) In paragraph 53, leave out sub-paragraphs (3), (5) and (8).
- (3) In paragraph 54—
 - (a) for sub-paragraph (1) substitute—

“(1) Subject to paragraph 66(4)(b), this paragraph applies to an advance application for a premises licence which—

- (a) meets the conditions in sub-paragraphs (1A), (1B) and (1D), and
- (b) in a case to which sub-paragraph (1B)(b) applies, also meets the condition in sub-paragraph (1E).

(1A) The first condition is that the application relates to premises in respect of which a person is an existing premises operator.

(1B) The second condition is that the application is made by—

- (a) the existing premises operator in relation to those premises; or
- (b) a person who is acting with the written consent of the existing premises operator.

(1C) Sub-paragraph (1B)(b) is only to apply where the person who is the existing premises operator in relation to the premises to which the application relates qualifies as such by reason of the fact that he holds—

- (a) a licence under the 1968 Act,
- (b) a betting office licence issued under Schedule 1 to the 1963 Act,
- (c) a track betting licence issued under Schedule 3 to the 1963 Act,
- (d) a certificate of approval issued under section 13 of the 1963 Act, or
- (e) a permit under section 34 of the 1968 Act.

(1D) The third condition is that the application complies with any conditions or requirements of subsections (1) to (5) and (6)(c) of section 159 of the 2005 Act (which specifies the conditions and requirements to be met by a person applying for a premises licence).

(1E) The fourth condition, which only applies in a case falling within sub-paragraph (1B)(b), is that the application for the premises licence is accompanied by—

- (a) the document containing the written consent of the existing premises operator, and
- (b) a copy of the licence, certificate or permit referred to in sub-paragraph (1C) or, where it is not reasonably practicable to produce a copy of the licence, certificate or permit, a statement explaining why it is not reasonably practicable to do so.”;

(b) in sub-paragraph (4), for “, 59(4) and (5) and 60(2)” substitute “and 59(4) and (5)”.

(4) In paragraph 56, in sub-paragraph (4) after “sub-paragraph (5)” insert “and paragraph 57A”.

(5) In paragraph 57, insert at the beginning of paragraph (6) “Subject to paragraph 57A,”.

(6) After paragraph 57 insert—

“Attaching a condition restricting the use of premises to specified periods

57A.—(1) This paragraph applies to a conversion application which includes a request for the licensing authority to exercise its powers under section 169(1)(a) of the 2005 Act to attach a condition so that facilities for gambling may only be provided in reliance on the licence during one or more specified periods in a year.

(2) Despite paragraphs 56(4) and 57(6)(a), where the licensing authority issue a premises licence in pursuance of paragraph 54, they may exercise their powers under section 169(1)(a) of the 2005 Act to attach the condition referred to in sub-paragraph (1).”.

(7) In paragraph 59(1), in each of paragraphs (b), (d) and (e), leave out “or transfer”.

- (8) Leave out paragraphs 59(3), 60 and 61(5).
- (9) In paragraph 62—
 - (a) in sub-paragraph (1)—
 - (i) leave out “sub-paragraph (2) and”, and
 - (ii) in paragraph (b)—
 - (aa) for “the applicant” substitute “the person, who is the existing premises operator in relation to the premises to which the application relates,” and
 - (bb) leave out “or transfer”;
 - (b) after sub-paragraph (2), insert—
 - “(2A) Where the person making the conversion application is not the existing premises operator, the existing licence, permit or certificate is to be treated for the purposes of this paragraph and paragraphs 63 and 64 as if it was issued to the person making the conversion application; and it is to have effect on and after 1st September 2007 accordingly.”.

Amendment of Part 9 of Schedule 4 to the Principal Commencement Order

12.—(1) Part 9 of Schedule 4 to the Principal Commencement Order (transitional provisions relating to the conversion of club registrations under the Gaming Act 1968 into club gaming and machine permits under the Gambling Act 2005) is amended as follows.

- (2) In each of the following provisions leave out “not less than two months”—
 - (a) paragraph 80(1)(c),
 - (b) paragraph 84(3),
 - (c) paragraph 88(1)(c).
- (3) In paragraph 82(1)(e)—
 - (a) leave out “not less than two months”, and
 - (b) for “80(3) to (5)” substitute “80(3) and (4)”.
- (4) In each of the following provisions leave out “two months before”—
 - (a) paragraph 85(4)(b), and
 - (b) paragraph 93(4)(b).
- (5) In each of the following provisions for “1st June” substitute “1st August”—
 - (a) paragraph 85(3), and
 - (b) paragraph 93(3).
- (6) In paragraph 86(1)(a), for “1976” substitute “1968”.
- (7) In the headings of paragraphs 89 and 90, in each case for “Part 2” substitute “Part 3”.
- (8) In paragraph 90(1)(e)—
 - (a) leave out “not less than two months”, and
 - (b) for “88(3) to (5)” substitute “88(3) and (4)”.
- (9) In paragraph 92(3), leave out “not less than 2 months”.

29th March 2007

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